

ATTORNEY'S DOCKET NO.: 0342941-0037 #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell, et al.  
Serial Number: 09/478,263  
Filed: January 5, 2000  
For: COMBINATORIAL BIOLOGY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints Brenda Herschbach Jarrell, Registration No. 39,223; Sam Pasternack, Registration No. 29,576; Karoline K. Shair, Registration No. 44,332; Kevin M. Tormey, Registration No. 41,351; Elizabeth Nugent, Registration No. 43,839, Valarie B. Rosen, Registration No. P-45,698 and Stanley C. Mah, Registration No. P-46,189 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Brenda Herschbach Jarrell, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name: \_\_\_\_\_

Title: \_\_\_\_\_

On behalf of President + Fellows of Harvard College

JOYCE BRINTON, DIRECTOR  
OFFICE OF TECHNOLOGY & TRADEMARK LICENSING  
HARVARD UNIVERSITY

Dated: 3/3, 2000



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ATTORNEY DOCKET NO.: 0342941-0043 (HU01594-99)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jarrell et al.  
 Serial No.: 09/478,263  
 Filed: January 5, 2000  
 For: COMBINATORIAL BIOLOGY

Examiner:  
 Art: 1633

**RECEIVED**

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OFFICE OF PETITIONS  
DEPUTY A/C PATENTC

**VERIFIED STATEMENT (DECLARATION)**  
**CLAIMING SMALL ENTITY STATUS**  
37 CFR 1.9(f) and 1.27(d)  
**NON-PROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the non-profit organization identified below:

NAME OF ORGANIZATION: Trustees of Boston University  
 ADDRESS OF ORGANIZATION: 147 Bay State Road, Boston, Massachusetts 02215  
 TYPE OF ORGANIZATION:

(X) University or other organization of higher education  
 ( ) Non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE: \_\_\_\_\_

CITATION OF STATUTE: \_\_\_\_\_

( ) Would qualify as tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3) if the organization were located in the United States of America

( ) Tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)).

( ) Would qualify as a non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE: \_\_\_\_\_

CITATION OF STATUTE: \_\_\_\_\_

I hereby declare that the above-identified non-profit organization qualifies as a non-profit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the above-identified non-profit organization with regard to the invention titled:

TITLE: Combinatorial Biology

by:

INVENTORS: Kevin A. Jarrell, Matthew D. Shair

described in:

( ) the specification filed herewith  
(X) U.S. Patent Application Serial Number 09/478,263; filed January 5, 2000  
( ) U.S. Patent Number \_\_\_\_\_ issued

If the rights of the above-identified non-profit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

FULL NAME: President and Fellows of Harvard College

ADDRESS: 17 Quincy Street, Cambridge, MA 02139

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN (X) NON-PROFIT ORGANIZATION

FULL NAME: Modular Genetics, Inc.

ADDRESS: 3 Acorn Lane, Lincoln, MA 01773

( ) INDIVIDUAL (X) SMALL BUSINESS CONCERN ( ) NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:  
TITLE IN ORGANIZATION:  
ADDRESS OF PERSON SIGNING:

Martin J. Howard  
Assistant Treasurer  
881 Commonwealth Avenue  
Boston, Massachusetts 02215

SIGNATURE: Martin J. Howard  
3161618\_1.DOC

DATE: 8/25/00

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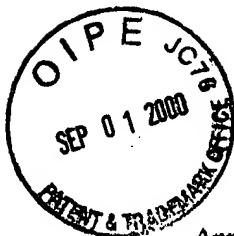
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FAX NO. 0176384329

638-4355 Choate, Hall & Stewart

P. 02



ATTORNEY DOCKET NO.: 0342941-0043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell et al.  
Serial No.: 09/478,263  
Filed: January 5, 2000  
For: COMBINATORIAL BIOLOGY

Examiner:  
Art: 1633

VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS  
37 CFR 1.9(d) and 1.27(d)  
SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business concern identified below:  
 an official empowered to act on behalf of the small business concern identified

below:

NAME OF CONCERN: Modular Genetics Inc.  
ADDRESS OF CONCERN: 3 Acorn Lane  
Lincoln, MA 01773

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention titled:

TITLE: Combinatorial Biology  
by:  
INVENTORS: Kevin A. Jarrell, Matthew D. Shair

AUG-25-00 FRI 15:25

PHARMACOLOGY DEPT BUSM

FAX NO. 6176384329

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08/25/00 Aug 00 14:28

(617) 248-4000->

638-4355 Choate, Hall & Stewart

described in:

the specification filed herewith  
 U.S. Patent Application Serial Number 09/478,263; filed January 5, 2000  
 U.S. Patent Number \_\_\_\_\_ issued

If the rights of the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

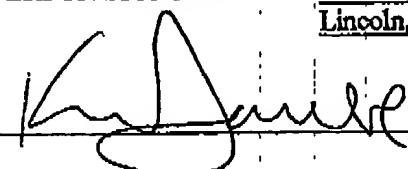
FULL NAME: President and Fellows of Harvard College  
ADDRESS: 17 Quincy Street, Cambridge, MA 02139  
( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN (X) NON-PROFIT ORGANIZATION

FULL NAME: Trustees of Boston University  
ADDRESS: 147 Bay State Road, Boston, Massachusetts 02215  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Kevin A. Jarrell  
TITLE IN ORGANIZATION: President  
ADDRESS OF PERSON SIGNING: 3 Acorn Lane  
Lincoln, MA 01773

SIGNATURE:   
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DATE: 8/25/00

08/25/00 Aug 00 15:36

(617) 248-4000-&gt;

495-9568 Choate, Hall &amp; Stewart



ATTORNEY DOCKET NO.: 0342941-0043 (HU01594-99)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell et al.

Examiner:

Serial No.: 09/478,263

Art: 1633

Filed: January 5, 2000

For: COMBINATORIAL BIOLOGY

VERIFIED STATEMENT (DECLARATION)CLAIMING SMALL ENTITY STATUS

37 CFR 1.9(f) and 1.27(d)

NON-PROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the non-profit organization identified below:

NAME OF ORGANIZATION: President and Fellows of Harvard CollegeADDRESS OF ORGANIZATION: 17 Quincy Street, Cambridge, MA 02139

TYPE OF ORGANIZATION:

University or other organization of higher education  
 Non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE: \_\_\_\_\_

CITATION OF STATUTE: \_\_\_\_\_

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Tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3).

Would qualify as a non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE: \_\_\_\_\_

CITATION OF STATUTE: \_\_\_\_\_

I hereby declare that the above-identified non-profit organization qualifies as a non-profit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

08/25/00 Aug 00 15:37 (617) 248-4000-&gt;

495-9568 Choate,Hall&amp;Stewart

I hereby declare that rights under contract or law have been conveyed to and remain with the above-identified non-profit organization with regard to the invention titled:

TITLE: Combinatorial Biology  
by:  
INVENTORS: Kevin A. Jarrell, Matthew D. Shair  
described in:

( ) the specification filed herewith  
(X) U.S. Patent Application Serial Number 09/478,263; filed January 5, 2000  
( ) U.S. Patent Number \_\_\_\_\_ issued

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\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, averring to their status as small entities. (37 CFR 1.27).

FULL NAME: Trustees of Boston University  
ADDRESS: 147 Bay State Road, Boston, Cambridge, MA 02215  
( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN (X) NON-PROFIT ORGANIZATION

FULL NAME: Modular Genetics, Inc.  
ADDRESS: 3 Acorn Lane, Lincoln, MA 01773  
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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495-3368 Choate,Hall&Stewart

NAME OF PERSON SIGNING:  
TITLE IN ORGANIZATION:  
ADDRESS OF PERSON SIGNING:

MARY H. MITCHELL  
ASSOCIATE DIRECTOR

SIGNATURE: Mary H. Mitchell  
3161618\_3.DOC

DATE: 8/25/00



ATTORNEY DOCKET NO.: 0342941-0037

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jarrell, et al.  
Serial No.: 09/478,263  
Filed: January 5, 2000  
For: COMBINATORIAL BIOLOGY

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR 3.73(b))**

The assignees of the entire right, title and interest, **President and Fellows of Harvard College, and Trustees of Boston University** hereby seek to take action in the Patent and Trademark Office in the above matter.

Ownership by the assignee is established as follows:

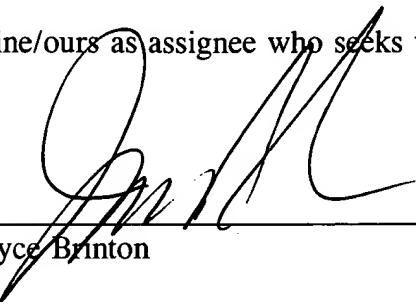
documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_ ; and

documents separately submitted for recordal to the PTO (a copy of these documents is attached).

**STATEMENT**

I, a person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignee who seeks to take further action.

  
Joyce Brinton

3/3/00

JOYCE BRINTON, DIRECTOR  
OFFICE OF TECHNOLOGY & TRADEMARK LICENSING  
HARVARD UNIVERSITY

---

Matthew J. Burns

Exchange 3079726.1

**STATEMENT**

I, a person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignee who seeks to take further action.

---

Joyce Brinton



Matthew J. Burns

Exchange 3079726.1

**MATTHEW J. BURNS  
ASSISTANT TREASURER  
BOSTON UNIVERSITY**

A S S I G N M E N T

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Matthew D. Shair** of Somerville, MA, hereby

Sells, assigns and transfers to **President and Fellows of Harvard College** having a place of business at **17 Quincy Street, Cambridge, MA 02138**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, his entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed January 5, 2000, Serial No. 09/478,263, entitled "**COMBINATORIAL BIOLOGY**" and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agrees that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agrees to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby requests the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenants with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me, and that I have an undivided right to convey the same as herein expressed.

IN WITNESS WHEREOF, I hereto set my hand and seal at 12 Oxford St.,  
Cambridge this 26 day of June, 2000.



Matthew D. Shair

STATE OF Massachusetts ss.  
COUNTY OF Middlesex.

Before me this 26 day of JUNE, 2000, personally appeared  
**Matthew D. Shair** known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.



NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

**MY COMMISSION EXPIRES AUGUST 9, 2002**

Exchange 3076820.1

BOSTON UNIVERSITY SCHOOL OF MEDICINE  
ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS THAT

WHEREAS, I Kevin A. Jarrell residing at 3 Acorn Lane, Lincoln, MA 01773, in the county of Middlesex; have invented certain improvements in COMBINATORIAL BIOLOGY and

WHEREAS, TRUSTEES OF BOSTON UNIVERSITY, a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having a regular and established place of business at 108 Bay State Road, Boston, County of Suffolk, Commonwealth of Massachusetts, is desirous of acquiring the entire right, title and interest in and to said invention and to any and all Letters Patent of the United States and of all other countries which may be granted therefor; and

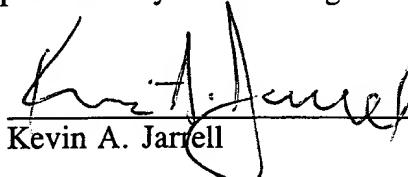
WHEREAS, I Kevin A. Jarrell, have entered or will enter into an Agreement with the Boston University Medical Center (BUMC), under the terms of which all rights in the aforesaid invention are to be acquired by Trustees of Boston University and net royalties generated by the invention of COMBINATORIAL BIOLOGY and accruing to Trustees of Boston University are to be shared with the inventor(s), the Boston University School of Medicine, and University Hospital, pursuant to said Agreement.

NOW, THEREFORE, BE IT KNOWN THAT FOR and in consideration of one dollar and other valuable consideration paid to me by the TRUSTEES OF BOSTON UNIVERSITY, a corporation of Massachusetts, hereinafter called Assignee, having its principal place of business at Boston, Massachusetts, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Trustees of Boston University, its successors, assigns and legal representatives, the entire right, title and interest for the United States of America and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent entitled: COMBINATORIAL BIOLOGY invented by me and described in said application executed by me of even date herewith and filed on January 5, 2000 and given Serial No. 09/478,263 and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on said improvements; and including all rights of priority resulting from the filing of any such applications.

We agree that said Assignee may apply for and receive Letters Patent in its own name; and that when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and legal representatives, all facts known to the undersigned

relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns and legal representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements, and for vesting title to said improvements and all application for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and I/we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said U.S. application(s) to said Assignee, its successors and assigns.

We covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreements affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

 4/28/00  
Kevin A. Jarrell Date

Commonwealth of Massachusetts

County of Suffolk

Before me this 28th day of April, 2000, personally appeared to me, personally known to be the person who is described in and who executed the above instruments, and acknowledge to me that he executed the same of his own free will for the purpose therein set forth.

  
Notary Public

My Commission expires: 4/16/01